

FOX ROTHSCHILD LLP

Formed in the Commonwealth of Pennsylvania

By: Wayne E. Pinkstone, Esq.

John C. Atkin, Esq.

Princeton Pike Corporate Center

997 Lenox Drive

Lawrenceville, NJ 08648-2311

Tel: (609) 896-3600

Fax: (609) 896-1469

wpinkstone@foxrothschild.com

Attorneys for Defendants Westlake

Master Association Inc., and Bobbie Rivere,

Dennis Lafer, Richard E. Fontana, Marie

Miller, James P. Garrett, David J. Whelan,

Michael W. Yudkin, Diane E. O'Connor,

and Peter J. Martinasco

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PHILIP LEFKOWITZ, ET AL.,

Plaintiffs,

v.

WESTLAKE MASTER ASSOCIATION,
INC. ET AL.,

Defendants.

Civil Action No. 3:18-cv-14862-AET-TJB

**NOTICE OF MOTION TO DISMISS IN
PART AND REQUEST FOR ORAL
ARGUMENT**

PLEASE TAKE NOTICE that on January 7, 2019, at 9:30 a.m., or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendants Westlake Master Association Inc., Bobbie Rivere, Dennis Lafer, Richard E. Fontana, Marie Miller, James P. Garrett, David J. Whelan, Michael W. Yudkin, Diane E. O'Connor, and Peter J. Martinasco ("Defendants"), will appear before the Honorable Anne E. Thompson, of the United States District Court for the District of New Jersey, at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608, to move this Court for an Order dismissing Counts I, II, III, V, and VI of the

Complaint filed by Plaintiff Rabbi Philip Lefkowitz, Levi Lefkowitz, and Moshe Lefkowitz (collectively “Plaintiffs”) [ECF No. 1], insofar as those counts relate to Defendants’ alleged refusal to construct a path and Sabbath-accessible gate, pursuant to Federal Rule of Civil Procedure 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Defendants will rely upon the accompanying Brief and Certification of Wayne E. Pinkstone, Esq., submitted herewith; any reply papers in support of this Motion; and oral argument, if any.

PLEASE TAKE FURTHER NOTICE that Defendants request oral argument, pursuant to Local Civil Rule 78.1(b).

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 7.1(e), a proposed form of order is also submitted herewith for the Court’s consideration.

DATED: December 13, 2018

Respectfully submitted,

FOX ROTHSCHILD LLP

*Attorneys for Defendants Westlake
Master Association Inc., and Bobbie Rivere,
Dennis Lafer, Richard E. Fontana, Marie
Miller, James P. Garrett, David J. Whelan,
Michael W. Yudkin, Diane E. O’Connor,
and Peter J. Martinasco*

By: /s/ Wayne E. Pinkstone, Esq.
WAYNE E. PINKSTONE
JOHN C. ATKIN